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January 15 2004

Name of person certifying mailing:

Patricia E. McQueeney

Express Mail Label No.:

EV 228585926 05

Signature of person certifying mailing:

Patricia E. McQueeney

Date of Signing:

1.15.04

Practitioner's Docket No. M082705

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cho et al.

Application No.: 09/995,885

Group No.: 1725

Filed: November 28, 2001

Examiner: Jonathan J. Johnson

For: Method and Apparatus for Welding

Assistant Commissioner for Patents

Washington, D.C. 20231

ATTENTION: Supervisory Patent Examiner, Group 1725

RECEIVED
FEB 02 2004
TTC 1700

DECLARATION OF PATRICIA E. McQUEENEY IN SUPPORT OF PETITION TO WITHDRAW HOLDING OF ABANDONMENT

I, Patricia E. McQueeney, am the current attorney of record in the above-captioned matter. I did not receive the Notice of Allowability, the Notice of Allowance and/or the Notice of Abandonment in the above-captioned application. A full search of the file jacket and docket records indicates that the Notice of Allowability, the Notice of Allowance and/or the Notice of

Abandonment were not received. Enclosed herewith as Exhibit 1 is a copy of the docket record into which receipt of the Notice of Allowability, the Notice of Allowance and/or the Notice of Abandonment would have been noted had it been received.

On or about December of 2002, Applicants hired the undersigned to help them prepare a response to the outstanding Office Action issued on October 15, 2002. The response was completed and filed, along with a one-month extension of time, on February 18, 2003.

Due to economic difficulties, Applicants were forced to close their corporation (Morpho) on February 11, 2003 (see Declaration of Hueng Ki Cho). The Notice of Allowability was mailed to Applicants' corporate address on March 8, 2003 and therefore never received.

Examiner Johnson telephoned on or about May 20, 2003 inquiring as to the status of the undersigned in the above-captioned application based on the signature included in the response filed February 18, 2003. The Power of Attorney and change of correspondence address was transmitted at that time via facsimile (see Exhibit 2). Examiner Johnson did not indicate that he had already taken action in the case. As he requested the Power of Attorney, it was assumed that he was just acting on our response. Due to my experience as a Patent Examiner, the undersigned was aware of the fact that responses to Office Actions must be acted on within four months. The PTO goals during my time as an Examiner were known as 14-4-4-4. This meant that a first action on the merits (FAOM) was supposed to be issued within fourteen months of filing the patent application, action to any response was supposed to be issued within four months of the response, etc. As Examiner Johnson telephoned in May and the response had been filed in

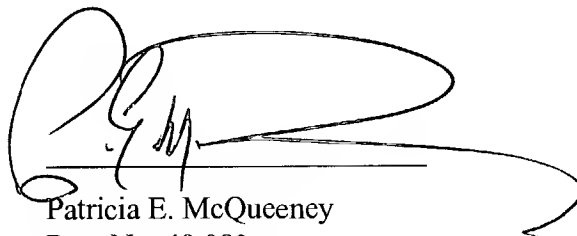
February, the timing coincided with my experience and a six-month follow up was docketed to make sure that the application was proceeding.

On or about December 3, 2003, the undersigned telephoned Patent Examiner Johnson to determine the status of the application because we had not received any papers in the case. He indicated that the application had gone abandoned for failure to pay the issue fee. The clients were contacted and this Petition was prepared.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1.15.2004

Date



Patricia E. McQueeney
Reg. No. 49,083
Becker & Poliakoff, P.A.
3111 Stirling Road
Fort Lauderdale, FL 33312
(800) 432-7712 x5306

Date Rec'd	PTO Date	Date Dock	Type of Action	Matter	Attorney
12/20/02	12/18/02	12-30-02	Receipt of Not. of Int. ^{Search Report}	L 079903	PEM
12-30-02	12-30-02	N/A	Receipt of Postcard	W080999	PEM
12-30-02	12-30-02	12-30-02	Receipt of Reg. Int.	U22260	PEM
1/6/03	12-31-02	1/6/03	Office Action	K082554	PEM
1/6/03	11/21/02	N/A	Deposit Account Statement	B+P	PEM
1/7/03	12/31/02	N/A	Deposit Acct. Letter	B+P	PEM
1/7/03	1/3/03	1/8/03	Receipt of CR Registration	T 080592	PEM
1/13/03	12/31/02	1/13/03	Receipt of Postcard	L 079903	PEM
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1/13/03	N/A	N/A	PTO fee sheet	N/A	PEM
1/14/03	1/10/03	1/14/03	Receipt of Office Action	#22960. 77260	PEM
1/17/03	1/14/03	1/17/03	Receipt of NOA	W07839	PEM
1/17/03	12/27/02		Receipt of Notice Intervening...	L 079903	PEM
1/21/03	1/17/03	1/17/03	Receipt of Corr. from TTAB	M081622	PEM
1/22/03	1/17/03	1/23/03	Receipt of Postcard	R 083091	PEM
1/28/03	1/21/03	1/28/03	Receipt of postcard	T72139	PEM
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1/28/03	1/26/03	1/29/03	Receipt of Notice of Rb.	I 080676	PEM
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2/3/03	1/9/03	N/A	Receipt of file wrapper	L082603	PEM
2/3/03	1/27/03	2/3/03	Receipt of OA	P082546	PEM
2/4/03	1/29/03	2/4/03	Receipt of Notice of Abandonment	A76642	PEM
2/4/03	1/27/03	2/4/03	Receipt of postcard (fee)	M077723	PEM

PTO Mail Receipt Log

Date Rec'd	PTO Date	Date Dock	Type of Action	Matter	Attorney
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2/11/03	2/4/03	2/11/03	Notice of Allowance	T72139	PEM
2/11/03	2/4/03	2/11/03	Receipt of Final Office	W080999	PEM
2/12/03	1/16/03	2/12/03	Receipt of Postcard	L082816	PEM
2/17/03	2/7/03	n/a	Receipt of TM Reg. Cert.	DSP	REP
2/19/03	2/12/03	2/21/03	Receipt of copies from ITAB	M081622	PEM
2/24/03	2/14/03	2/24/03	Receipt of NOA	M082534	PEM
2/21/03	2/20/03	2/25/03	Receipt of TM Reg.	U75958	PEM
2/26/03	2/20/03	2/26/03	Receipt of TM Reg.	R76732	PEM
2/28/03	2/24/03	N/A	Notice of Accept of POA	Murphy	PEM
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3/18/03	3/14/03	3/18/03	Receipt of Corres. from PTO	W080999	PEM
3/20/03	3/18/03	3/21/03	Receipt of Office Action	S078711	PEM
3/20/03	3/17/03	3/24/03	Receipt of CA Reg. Cert.	BSP	PEM
3/25/03	3/10/03	3/26/03	Receipt of Postcard	W080590	PEM
3/25/03	3/18/03	3/26/03	Receipt of Approval of Ext.	ABINKO	PEM
3/25/03	2/28/03	N/A	Receipt of Dep. Statement		PEM
3/25/03	3/25/03	N/A	Receipt of Ass. Recommendation	L084368	PEM

PTO Mail Receipt Log

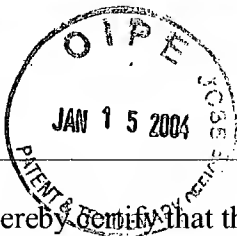
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3/24/03	3/24/03	N/A	Receipt of Assign. Rec.	M081136	PEM
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3/31/03	3/26/03	4/1/03	Receipt of Not. of Bk.	P081501	PEM
3/31/03	3/26/03	4/1/03	Receipt of Not. of Aband.	B082495	PEM
3/31/03	3/27/03	4/1/03	Receipt of Not. of Ext. Rep.	ABINCO	RMP
3/31/03	3/28/03	4/1/03	Receipt of Lines of TAB	M081622	PEM
3/31/03	3/25/03	4/1/03	Receipt of Office Action	B079837	PEM
4/8/03	3/26/03	4/8/03	Receipt of Postcard	L077903	PEM
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4.14.03	4.9.03	4.14.03	Trans. Receipt	D079612	PEM
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4.14.03	4.8.03	4.14.03	Office Action	H77260	PEM
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4.18.03	04.10.03	N/A	Cert. Copy of TM	K082554	ADS
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Date Rec'd	PTO Date	Date Dock	Type of Action	Matter	Attorney
4/24/03	4/19/03	n/a	Notice of Approval of Ext. Reg.	BTG	BTG
4/25/03	4/16/03	4/25/03	Receipt of Notice of Pub.	A081534	PEM
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4/28/03	4/21/03	n/a	Receipt of CR reg.	H082629	PEM
4/29/03	4/16/03	4/29/03	Receipt of postcard	T080447	PEM
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5/6/03	3/31/03	n/a	Receipt of Dep. Act. Stat.	n/a	PEM
5/6/03	4/29/03	5/6/03	Receipt of PA cert. (Hse)	T72139	PEM
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5/9/03	5/6/03	5/8/03	Receipt of Office Action	N082147	PEM
5/9/03	5/6/03	n/a	Receipt of NOA	College Auto	A. Helt
5/12/03	5/1/03	n/a	Receipt of postcard	B71891	PEM
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5/14/03	5/9/03		Receipt of Written Question	W080999	PEM
5/14/03	5/8/03	5/15/03	Receipt of Not. of Acc. of Ser.	F71613	PEM
5/16/03	5/7/03	5/19/03	Receipt of Not. of App. of Ext. Reg.	P079635	PEM
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6/5/03	6/30/03	6/6/03	Receipt of Not. of App. Ext.	n/a	B. Gross
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Date Rec'd	PTO Date	Date Dock	Type of Action	Matter	Attorney
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6-12-03	6-5-03	06-12-03	Notice of Pub	M081136	PEM
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6-17-	6-12-03	N/A	Receipt of corres. from PTO	W080799	PEM
6-23-03	5-23-03	6-23-03	Receipt of postcard	5081789	PEM
6-23-03	6-17-03	6-23-03	Receipt of TM Reg. Cert	I21197	PEM
6-23-03	6-13-03	N/A	Receipt of cert. copy	L084465	PEM
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7-15-03	7-2-03	N/A	Receipt of postcard	F21197, 71613	PEM
7-17-03	7-7-03	7-17-03	Receipt of Not. of Pub.	A082340	PEM
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7-21-03	7-14-03	7-21-03	Receipt of OA from Ch. off.	L082816	PEM
7-21-03	7-18-03	7-21-03	Receipt of Ex. Amend.	A083019	PEM
7-21-03	7-18-03	7-21-03	Receipt of corres. from PTO	B082495	PEM

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7/1/03	7/29/03	8/1/03	Receipt of corres	M081622	DEM
8/1/03	7/29/03	8/1/03	Receipt of NOA	A081534	PEM
8/1/03	7/30/03	8/1/03	Receipt of OA	K082555	PEM
8/1/03	7/21/03	n/a	Receipt of OA from	A02139	PEM
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8/11/03	8/5/03	8/14/03	Receipt of Office Action	C081135	PEM
8/15/03	8/5/03	n/a	Receipt of Work Product	n/a	BTG
8.9.03		n/a	Receipt of (C) Reg	S081789	R
8.19.03	8.14.03	n/a	M. & B. Bill		BTG
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8-28-03	8-22-03	n/a	Receipt of NOA of Abandon	ABINKO	REP
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9-5-03	8-27-03	9-5-03	Receipt of Not of Pub	B082495	PEM
9-10-03	8-28-03	9-10-03	Receipt of postcard	K085881	PEM
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9-10-03	9-5-03	9/10/03	Receipt of Office Action	H082768	PEM
9-11-03	9-3-03	9/11/03	Receipt of Not of Appr.	P079635	PEM
9-11-03	9-4-03	9/12/03	Receipt of Not of Aban.	F082488	PEM
9-11-03	9-4-03	9/11/03	Receipt of Not of Appr.	P079612	PEM
9-11-03	9-8-03	9/12/03	Receipt of Off. Action	B080786	PEM



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We hereby certify that this paper is being deposited with the United States Postal Service by U.S. Express Mail in an envelope addressed to Mail Stop SPE Group 1725, Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date of Mailing of Document:

January 15 2004

Name of person certifying mailing:

Patricia E. McCreary

Express Mail Label No.:

EV 22858592605

Signature of person certifying mailing:

Date of Signing:

1.15.04

Practitioner's Docket No. M082705

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cho et al.

Application No.: 09/995,885

Group No.: 1725

Filed: November 28, 2001

Examiner: Jonathan J. Johnson

RECEIVED
FEB 02 2004
TC-1700

For: Method and Apparatus for Welding

Assistant Commissioner for Patents

Washington, D.C. 20231

ATTENTION: Supervisory Patent Examiner, Group 1725

DECLARATION OF HEUNG KI CHO IN SUPPORT OF PETITION TO WITHDRAW HOLDING OF ABANDONMENT

I, Heung Ki Cho, am one of the Applicants in the above-captioned matter. I am also the Resident Agent and former President of Morpho Corporation ("Morpho"). On February 11, 2003, Morpho was dissolved due to economic difficulties. As Resident Agent for Morpho, I did not receive the Notice of Allowability, the Notice of Allowance and/or the Notice of Abandonment in the above-captioned application at either the corporate address or my home

In re Application of: Cho et al.
Declaration in Support of
Petition to Withdraw Holding of Abandonment
Page 2 of 2

address.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1/12/2004

Date



Heung Ki Cho
Inventor and Resident Agent for Morpho Corp.
1048 Petal Court
Orlando, FL 32818